

SENATE BILL 266

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Mimi Stewart

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING ALL STUDENTS IN
KINDERGARTEN THROUGH SIXTH GRADE TO PARTICIPATE IN DAILY
PHYSICAL EDUCATION; PROVIDING FOR A PHASE-IN OVER SIX YEARS
SEC →; ~~MAKING AN APPROPRIATION~~ ← SEC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-23.7 NMSA 1978 (being Laws 2007,
Chapter 348, Section 1) is amended to read:

"22-8-23.7. ELEMENTARY PHYSICAL EDUCATION PROGRAM
UNITS.--

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A. The number of elementary physical education program units is determined by multiplying the number of students in elementary physical education by the cost differential factor of six one-hundredths.

B. As used in this section, "elementary physical education" means ~~eligible~~ physical education programs that serve students in kindergarten through sixth grade ~~[six]~~ pursuant to the phase-in schedule provided in Section 22-13-1.7 NMSA 1978 in a public school classified by the department as an elementary school.

C. During the phase-in of universal elementary physical education, a school district or charter school that received elementary physical education program units in fiscal year SEC→2018 2019←SEC shall continue to receive those units; provided that a school district or charter school shall SEC→not←SEC generate elementary physical education program units in excess of the total average number of elementary students in elementary physical education on the second and third reporting dates of the prior school year multiplied by the cost differential of six one-hundredths."

SECTION 2. Section 22-13-1 NMSA 1978 (being Laws 2003, Chapter 153, Section 57, as amended by Laws 2016, Chapter 17, Section 1 and by Laws 2016, Chapter 18, Section 1) is amended to read:

"22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
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REQUIRED--ACCREDITATION.--

A. The department shall require public schools to address department-approved academic content and performance standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements shall not be accredited by the department.

B. All kindergarten through third grade classes shall provide daily instruction in reading and language arts skills, including phonemic awareness, phonics and comprehension, and in mathematics. Students in kindergarten and first grades shall be screened and monitored for progress in reading and language arts skills, and students in second grade shall take diagnostic tests on reading and language arts skills. All kindergarten classes shall provide instruction in physical education.

C. All first, second and third grade classes shall provide instruction in art, music and a language other than English, and instruction that meets content and performance standards shall be provided in science, social studies, physical education and health education.

D. In fourth through eighth grades, instruction that meets academic content and performance standards shall be provided in the following subject areas:

- (1) reading and language arts skills, with an

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emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year;

- (2) mathematics;
- (3) language other than English;
- (4) communication skills;
- (5) science;
- (6) art;
- (7) music;
- (8) social studies;
- (9) New Mexico history;
- (10) United States history;
- (11) geography;
- (12) physical education; and
- (13) health education.

E. Beginning with the 2008-2009 school year, in eighth grade, algebra 1 shall be offered in regular classroom settings or through online courses or agreements with high schools.

F. In fourth through eighth grades, school districts shall offer electives that contribute to academic growth and skill development and provide career and technical education. In sixth through eighth grades, media literacy may be offered as an elective.

G. In ninth through twelfth grades, instruction that meets academic content and performance standards shall be

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provided in health education.

H. All health education courses shall include:

(1) age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective; and

(2) lifesaving skills training that follows nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:

(a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and

(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish."

SECTION 3. Section 22-13-1.7 NMSA 1978 (being Laws 2007, .209385.3

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Chapter 348, Section 3, as amended) is amended to read:

"22-13-1.7. ELEMENTARY PHYSICAL EDUCATION.--

A. As used in this section, [~~(1)~~—"eligible students" means students in kindergarten through grade six in a public school classified by the department as an elementary school; and

~~(2)~~] "elementary physical education" means a kindergarten through sixth grade program that provides at least thirty minutes of activity per day that includes [programs of education through which students participate] participation in activities related to fitness education and assessment; active games and sports; and development of physical capabilities such as motor skills, strength and coordination.

B. Elementary physical education [~~programs that serve eligible students are eligible for funding if those programs~~] shall meet academic content and performance standards for elementary physical education. [~~programs.~~

~~C. In granting approval for funding of elementary physical education programs, the department shall provide that programs are first implemented in public schools that have the highest proportion of students most in need based on the percentage of students eligible for free or reduced-fee lunch or grade-level schools that serve an entire school district and in public schools with available space.]~~ If the department determines that an elementary physical education program is not

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meeting the academic content and performance standards for elementary physical education programs, the department shall notify the school district that the public school's failure to meet the academic content and performance standards will result in the cessation of funding for the following school year. The department shall compile the program results submitted by the school districts each year and make an annual report to the legislative education study committee and the legislature.

~~[D.—An]~~ C. Elementary physical education [~~program that receives state financial support~~] shall [~~(1)~~] provide for the physical education needs of students [~~defined in this section~~] and [~~(2)~~] use teachers with a license endorsement for physical education. [~~The department shall annually determine the programs and the consequent number of students in elementary physical education that will receive state financial support in accordance with funding available in each school year.~~]

D. Universal elementary physical education shall be phased in over six years as follows:

(1) beginning in the SEC→2018-2019 2019-2020←SEC school year, all students in kindergarten shall participate in physical education each day;

(2) beginning in the SEC→2019-2020 2020-2021←SEC school year, all students in first grade shall participate in physical education each day;

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(3) beginning in the SEC→2020-2021 2021-2022←SEC school year, all students in second grade shall participate in physical education each day;

(4) beginning in the SEC→2021-2022 2022-2023←SEC school year, all students in third grade shall participate in physical education each day;

(5) beginning in the SEC→2022-2023 2023-2024←SEC school year, all students in fourth grade shall participate in physical education each day; and

(6) beginning in the SEC→2023-2024 2024-2025←SEC school year, all students in fifth and sixth grades shall participate in physical education each day."

SEC→SECTION 4. APPROPRIATION.--Three million five hundred fifty-five thousand dollars (\$3,555,000) is appropriated from the general fund to the state equalization guarantee distribution for expenditure in fiscal year 2019 to provide universal elementary physical education to all kindergarten students in the 2018-2019 school year. Any unexpended or unencumbered balance remaining at the end of fiscal year 2019 shall revert to the general fund.←SEC

SECTION SEC→5 4←SEC. APPLICABILITY.--The provisions of this act apply to the SEC→2018-2019 2019-2020←SEC school year and subsequent school years.